IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

ESCAPEX IP, LLC,	§
Plaintiff,	§ §
	§ Civil Action No. 6-22-cv-00428-ADA
v.	§
	§ JURY TRIAL DEMANDED
GOOGLE LLC,	§
	§
Defendant.	§
	§

DECLARATION OF BRIAN C. BANNER IN SUPPORT OF DEFENDANT'S MOTION UNDER 28 U.S.C. § 1404(a) TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA

I, Brian C. Banner, declare and state as follows:

- 1. I am counsel of record for Defendant Google LLC in this case. I am over the age of 18, and I have personal knowledge of the facts set forth herein and could competently testify about these matters if called upon to do so.
- 2. This declaration is submitted in support of Google's Motion Under 28 U.S.C. § 1404(a) to Transfer Venue to the Northern District of California.
- 3. Attached as Exhibit A is a true and correct copy of excerpts of Alphabet Inc.'s 10-Q for the quarterly period ended June 30, 2022, available at https://www.sec.gov/ix?doc=/Archives/edgar/data/1652044/000165204422000071/goog-20220630.htm.
- 4. Attached as Exhibit B is a true and correct copy of the Texas Comptroller of Public Accounts' online record related to Plaintiff EscapeX IP, LLC, available at

https://mycpa.cpa.state.tx.us/coa/ (enter "EscapeX IP LLC" into "Entity Name" field and click "Search" button).

- 5. Attached as Exhibit C is a true and correct copy of excerpts of the file history for U.S. Patent No. 9,009,113 ("Transmittal of New Application" dated 10/21/2014), available at https://patentcenter.uspto.gov/applications/14519168/ifw/docs.
- 6. Attached as Exhibit D is a true and correct copy of the Biography of Hean L. Koo, available at https://www.pillsburylaw.com/print/content/14318/hean-koo.pdf (downloaded October 18, 2022).
- 7. Attached as Exhibit E is a true and correct copy of the assignment abstract for U.S. Patent No. 9,009,113, available at https://patentcenter.uspto.gov/applications/14519168/assignments/abstract.
- 8. Attached as Exhibit F is a true and correct copy of an online article titled "Streamus Turns Chrome into Fully Loaded YouTube Music Player" dated February 13, 2014, available at https://www.guidingtech.com/26931/chrome-youtube-music-player/ (downloaded October 18, 2022).
- 9. Attached as Exhibit G is a true and correct copy of Sean Anderson's LinkedIn profile page, available at https://www.linkedin.com/in/meomix (downloaded October 18, 2022).
- 10. Attached as Exhibit H is a true and correct copy of screenshots taken from https://mobileroadie.com/about (visited October 18, 2022).
- 11. Attached as Exhibit I is a true and correct copy of an excerpt from Steve Gordon, "The Future of the Music Business" (2011), available at https://www.google.com/books/edition/The_Future_of_the_Music_Business/eiQmgEFs_4YC?hl =en&gbpv=1&dq=musician+smartphone+apps&pg=PA172&printsec=frontcover.

- 12. Attached as Exhibit J is a true and correct copy of the Wikipedia page for Mobile Roadie, available at https://en.wikipedia.org/wiki/Mobile_Roadie (downloaded October 18, 2022).
- 13. Attached as Exhibit K is a true and correct copy of Michael Schneider's LinkedIn profile page, available at https://www.linkedin.com/in/michaelaschneider/ (downloaded October 18, 2022).
- 14. Attached as Exhibit L is a true and correct copy of Brock Batten's LinkedIn profile page, available at https://www.linkedin.com/in/brocksteady (downloaded October 18, 2022).
- 15. Attached as Exhibit M is a true and correct copy of the Wikipedia page for Apple, Inc., Available at https://en.wikipedia.org/wiki/Apple Inc. (downloaded October 18, 2022).
 - 16. Attached as Exhibit N is a true and correct copy of U.S. Patent No. 8,224,927.
 - 17. Attached as Exhibit O is a true and correct copy of U.S. Patent No. 8,634,944.
- 18. Attached as Exhibit P is a true and correct copy of Emily Clark Schubert's LinkedIn profile page, available at https://www.linkedin.com/in/emilyschubert/ (downloaded October 18, 2022).
- 19. Attached as Exhibit Q is a true and correct copy of William Bull's LinkedIn profile page, available at https://www.linkedin.com/in/wbull/ (downloaded October 18, 2022).
- 20. Attached as Exhibit R is a true and correct copy of Ben Rottler's LinkedIn profile page, available at https://www.linkedin.com/in/benhondarottler/ (downloaded October 18, 2022).
 - 21. Attached as Exhibit S is a true and correct copy of U.S. Patent No. 8,819,553.
- 22. Attached as Exhibit T is a true and correct copy of Policarpo Wood's LinkedIn profile page, available at https://www.linkedin.com/in/policarpowood/ (downloaded November 21, 2022).

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I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Executed on November 21, 2022, in Austin, Texas.

/s/ Brian C. Banner Brian C. Banner